

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KLAUS-DIETER HAMMER
AND HERMANN WINTER

Appeal No. 95-1167
Application 07/928,027¹

ON BRIEF

Before RONALD SMITH, SOFOCLEOUS and OWENS, Administrative Patent Judges.

SOFOCLEOUS, Administrative Patent Judge.

DECISION ON APPEAL

This appeal was originally taken from the examiner's final rejection of claims 1 to 19. Subsequent to the final rejection, the examiner entered appellants' amendment canceling claim 3. Consequently, the appeal is dismissed as to claim 3, leaving for

¹ Application for patent filed August 11, 1992.

Appeal No. 95-1167
Application 07/928,027

our consideration the final rejection of claims 1, 2, and 4 to 19, all the claims now remaining in the application.

The subject matter on appeal is directed to a cellulose-based tubular foodstuff casing which has a coating comprising chitosan on its inner and/or outer surface wherein the chitosan is chemically linked to the cellulose in the casing.

Appellants separately argue each claim. Claim 1 is the only independent claim and reads as follows:

1. A cellulose-based tubular foodstuffs casing having inner and outer surfaces, said casing comprising a coating on said inner surface, on said outer surface, or on said inner and said outer surfaces, wherein

said coating comprises chitosan chemically linked to cellulose present in said casing, and

wherein said cellulose has been prepared from a viscose solution by coagulation and regeneration.

The references relied upon by the Examiner are:

Rose et al. (Rose)	3,427,169	Feb. 11, 1969
O'Brien et al. (O'Brien)	3,645,760	Feb. 29, 1972
Kosugi et al. (Kosugi)	4,378,017	Mar. 29, 1983
Godo et al. ² (Godo) (Japanese)	174,699	Jul. 11, 1989

² The PTO translation of this Japanese laid open application indicates that the inventive entity is Godo et al. and not Taguchi et al.

Appeal No. 95-1167
Application 07/928,027

Claims 1, 2, 4, 5, 7 to 10 and 13 to 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Godo in view of Kosugi.

Claims 6, 8, 9, 11 and 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Godo in view of Kosugi further in view of Rose or O'Brien.

Claims 1, 2, 4, 5, 7 to 10 and 13 to 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over page 1, lines 26 to 29 of appellants' specification in view of Kosugi.

We cannot sustain these rejections.

Missing from the references is any teaching or suggestion that chitosan can be chemically linked to a cellulosic casing material. According to appellants' specification, page 4, lines 13 to 24, the chemical linking results from using monoaldehydes and dialdehydes such as formaldehyde, glyoxal or glutardialdehyde. For this reason, we are compelled to reverse the examiner's rejections.

REVERSED

Appeal No. 95-1167
Application 07/928,027

RONALD H. SMITH)	
Administrative Patent Judge)	
)	
)	
MICHAEL SOFOCLEOUS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
TERRY J. OWENS)	
Administrative Patent Judge)	

Foley & Lardner
P. O. Box 299
Alexandria, VA 22313-0299

Appeal No. 95-1167
Application 07/928,027

JDT/cam